

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVEL JONES,)	CASE NO. 8:08CV543
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
THE STATE OF NEBRASKA, et al.,)	
)	
Respondents.)	

This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis ("IFP"). (Filing No. [2](#).) As set forth in the Prison Litigation Reform Act, a prisoner cannot:

[B]ring a civil action . . . or proceeding [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted.

[28 U.S.C. §1915\(g\)](#).

The following three cases brought by Plaintiff were dismissed because they failed to state a claim upon which relief may be granted:

- *Jones v. Carmicheal, et al.*, No. 4:00CV3235 (D. Neb.), dismissed on July 18, 2001. (Case No. 4:00CV3235, Filing No. [23](#).)
- *Jones v. Houston, et al.*, No. 4:06CV3314 (D. Neb.), dismissed on November 2, 2005. (Case No. 4:06CV3314, Filing No. [114](#).)
- *Jones v. Lancaster County, et al.*, No. 4:99CV3240 (D. Neb.), dismissed on November 22, 1999. (Case No. 4:99CV3240, Filing No. [5](#).)

Accordingly, Plaintiff has until February 21, 2009, to show cause why this matter should not be dismissed pursuant to [28 U.S.C. §1915\(g\)](#). Alternatively, Plaintiff may pay the full \$350.00 filing fee no later than February 21, 2009. In the absence of good cause

shown or the payment of the full filing fee, Plaintiff's Complaint and this matter will be dismissed without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff has until February 21, 2009, to either show cause why this case should not be dismissed pursuant to [28 U.S.C. §1915\(g\)](#) or pay the full \$350.00 filing fee. In the absence of either action by Plaintiff, this matter will be dismissed without further notice; and
2. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: February 21, 2009: Deadline for Plaintiff to show cause or pay full filing fee.

DATED this 23rd day of January, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge